

Message Text

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E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS: FEB 6-17 INTERSESSIONAL MEETING -- SEABEDS ISSUES

REF: USUN 447

SUMMARY. THREE PLENARY SESSIONS ON FEB 8-9 WERE
DEVOTED TO RATHER DETAILED DISCUSSION OF RESOURCE POLICY.
INITIAL STATEMENTS ON ART 150 FROM THE GROUP OF 77 (G-77)
AND THE DEVELOPED COUNTRIES REITERATED LONGSTANDING POSI-
TIONS. CONFERENCE PRESIDENT AMERASINGHE APPOINTED A 37-
COUNTRY WORKING GROUP TO CONTINUE DISCUSSION. END SUMMARY.

1. G-77 LEADERS, INCLUDING BRAZIL, ECUADOR, TANZANIA,
NIGERIA, SINGAPORE, INDIA, AND EGYPT, SPOKE IN FAVOR OF
KEEPING INTACT THE RESOURCE POLICY PRINCIPLES AS LISTED
IN ICNT ART 150 AND SAID THAT OBSERVANCE OF THESE PRIN-
CIPLES SHOULD BE MANDATORY, HENCE THE PHRASE "SO AS TO
ENSURE". FRANCE AND THE UK COUNTERED THAT THERE WAS NOT
ENOUGH BALANCE AMONG THE PRINCIPLES IN ART 150 AND THAT
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THE ARTICLE DEALT IS IMPRECISE GENERALITIES. CANADA,
SUPPORTED BY SEVERAL DELEGATIONS, INCLUDING THE
US, STATED THAT IT WAS IMPOSSIBLE TO MAKE THE FIRST
PART (SUBPARAS A-F) OF ART 150 MANDATORY BECAUSE MANY THINGS
IN IT WERE BEYOND THE POWER OF THE AUTHORITY. AUSTRALIA,
SUPPORTED BY SEVERAL DELEGATIONS, INCLUDING THE US

AND SINGAPORE, STATED THAT LAWYERS WOULD NOT LET MINERS SIGN CONTRACTS WITH MANDATORY LANGUAGE WHICH WAS IMPOSSIBLE TO FULFILL. THE USSR SAID THAT IF THE CONVENTION WAS PROPERLY WORKED OUT IN OTHER MATTERS, THE USSR WOULD NOT HAVE SERIOUS PROBLEMS WITH ART 150, WITH THE IMPORTANT EXCEPTION OF PARA C REGARDING NON-MODULAR RESOURCES. THIS PARA, ACCORDING TO THE SOVIETS (WHO WERE STATING THE G-5 POSITION), SHOULD BE CHANGED SO THAT THESE RESOURCES CAN BE REGULATED ONLY AFTER STATES PARTIES AMEND THE TREATY IN THAT REGARD.

2. AMB RICHARDSON SAID THE US DID NOT OBJECT TO THE DESIRABILITY OF THE GENERAL OBJECTIVES IN ART 150 BUT DOES HAVE A PROBLEM WITH THE MANDATORY BURDEN WHICH IT IMPOSES ON THE AUTHORITY. THE US PROPOSED A REPLACEMENT IN ART 150(1) OF THE PHRASE "SO AS TO ENSURE" BY "WITH A VIEW TO". THE UK, FRG, JAPAN, CANADA AND AUSTRALIA SUPPORTED THE US. CANADA SUGGESTED THE FIX "IN ORDER TO ACHIEVE."

3. BRAZIL SUGGESTED THAT THE US OBJECTION COULD BE MET BY REFORMULATING ART 150 INTO THREE SEPARATE ARTICLES: ONE WITH A GENERAL STATEMENT OF OBJECTIVES; A SECOND INCORPORATING THE OPERATIVE PARAS ON RESOURCE POLICY; AND A FINAL ARTICLE WITH THE REMAINDER OF ART 150. THE US SUPPORTED THIS RECOMMENDED OFFICIAL USE

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MENDATION, AND THE COMMENTS OF SEVERAL OTHER DELEGATIONS, INCLUDING LARGE LAND-BASED PRODUCERS LIKE INDONESIA, IMPLIED THAT IN SUCH A SPLIT THE MANDATORY LANGUAGE COULD BE INSERTED IN THE OPERATIVE PROVISIONS OF SUBPARA G RATHER THAN IN THE GENERAL OBJECTIVES OF SUBPARAS A-F.

4. ON THE LIMITATION OF SEABED PRODUCTION, NOW SET AT 60 PERCENT OF THE CUMULATIVE GROWTH SEGMENT OF WORLD NICKEL DEMAND (ICNT ART 150 1(G)B(I)), BRAZIL, WITH GENERAL SUPPORT FROM LDCS AND CANADA, SAID 60 PERCENT IS EXCESSIVE AND SHOULD BE 50 PERCENT. THE UK, WITH GENERAL SUPPORT FROM DEVELOPED COUNTRIES, MAINTAINED THAT THE NUMBER SHOULD BE 100 PERCENT. A SIMILAR DIFFERENCE WAS EVIDENT ON THE ISSUE OF WHETHER THE INTERNATIONAL AUTHORITY SHOULD HAVE A VOICE IN FUTURE MINERALS COMMODITY AGREEMENTS WITH RESPECT TO ALL THE PRODUCTION IN THE AREA OR JUST ITS PORTION. THE LENGTH OF THE INTERIM PERIOD DURING WHICH SEABED MINING CAN COMPETE FOR 100 PERCENT OF THE GROWTH SECTOR WAS ALSO AN ISSUE BETWEEN DEVELOPED AND DEVELOPING

COUNTRIES.

5. AMERASINGHE APPOINTED A 37-COUNTRY WORKING GROUP (INCLUDING THE US) TO CONTINUE DISCUSSION OF ART 150 AND OTHER SEABEDS ISSUES, UNDER THE CHAIRMANSHIP OF NJENGA OF KENYA.

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